

Application Number: 10/777,579
Art Unit 1791

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AMENDMENT TO THE DRAWINGS

Please accept the attached replacement sheet for drawing sheet 3 of 4. In the replacement sheet previously submitted, the letter "A" has been added in sheet #3 to the figure label "FIG" as the letter A was omitted from the figure identifier "FIG. 1".

REMARKS

The drawings and specification have been amended to more clearly show the position of the torch flame igniter with respect to the combustion chamber and the mouth piece.

Drawings

The Examiner has objected to sheet three of the drawings as the letter "A" was omitted from the figure added in a previous amendment. The error has been corrected.

Claim Rejections

The Examiner has rejected all seven claims as being obvious over primary reference US Patent 1,157,771 to Fulton in view of several other patents and a US Published Application.

Claims 1, 5 and 7 were rejected as being obvious over Fulton in view of Ishiguro, Schubert and Tucker. Applicant believes that the amendment to claim 1 avoids the Examiner's arguments.

The Examiner argues that Tucker teaches a smoking device including a resistance heater placed in the bottom of the combustion chamber of a smoking pipe. In each of Tucker's embodiments he places the active portion of the resistance device in the bottom of the combustion chamber. In his FIG. 1 the resistance extends partially up the sidewall of the combustion chamber, not because it has a useful effect but because the shape of the combustion chamber requires the resistance device to be so placed.

The Examiner argues that Ishiguro, who teaches a stand alone piezoelectric lighter coupled with the teaching of piezoelectric lighter for a gas grill (Schubert et al), and Tucker, who teaches a piezoelectric ignition mechanism in a smoking pipe renders applicant's recitation of "a piezoelectric torch flame ignition device extending into the combustion chamber above the mouth piece pipe and below the bowl for generating a torch flame capable of extending into the combustion chamber in a direction generally perpendicular to the mouth piece pipe and across the bottom of the combustion chamber to ignite combustible material within the combustion chamber."

The Examiner argues that to so position a piezoelectric torch flame ignition device would be obvious because it would render the combination "more portable, faster acting ignition system, capable of higher temperatures, all of which is a well-known advantage of piezoelectric stand-alone lighters..."

Applicant argues that none of the recited advantages are taught by the references but in fact are derived by hind-sight from applicant's application. There is no suggestion in any of the cited references that the elements of applicant's claim can be combined as claimed.

For an obviousness rejection to stand there must be a suggestion in the prior art to actually combine the teachings. Here the "combining teaching" comes only from the Examiner's imagination and applicant's specification.

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On the contrary, Examiner's previously cited reference to Hunter (US Patent 3,698,400) who does teach combining a piezoelectric ignition device with a smoking device teaches that such an ignition device must be placed at the top of the combustion chamber because of the characteristics of the gas to be ignited.

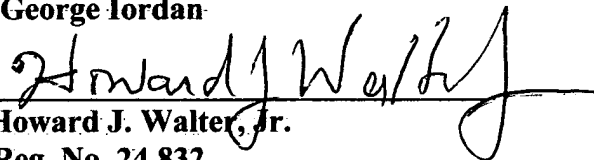
Applicant argues that without his teaching, there is absolutely no teaching that the placement of a piezoelectric device at the bottom of a combustion chamber would be effective at all. Only Ishiguro discloses a "torch flame" ignition device and yet does not suggest it could be used universally in smoking devices.

In view of the fact that all of the claims stand or fall on the patentability of Claim 1, arguments on claim 2 through 7 are not necessary..

In view of the above, and the previously submitted amendment to the claims, it is believed that all of the claims are patentable and it is requested that reconsideration of the rejection be made.

Respectfully submitted,

For: George Jordan


By: Howard J. Walter, Jr.
Reg. No. 24,832

Phone: 802.985.8714
Facsimile: 802.985.8661
66 BACON DR
SHELBURNE, VT 05482-7495